

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

United States of America

v.

Reyes Hernandez-Latin

Citizen of Mexico

USM#: 13550208

DOB: 1971

THE DEFENDANT ENTERED A PLEA OF guilty on 1/7/2008 to Count THREE of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count THREE of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of **FOUR (4) MONTHS** on Count THREE, with credit for time served.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$Remitted **FINE:** \$ **RESTITUTION:** \$

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count THREE of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

08-15029-001M-SD

USA vs. Reyes Hernandez-Latin

Date of Imposition of Sentence: Monday, January 7, 2008Date 1/7/2008

JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

By:

United States Marshal
08-15029-001M-SD -

Deputy Marshal

DATE: 1/7/2008CASE NUMBER: 08-15029-001M-SD**PLEA/SENTENCING MINUTES**USA vs. Reyes Hernandez-LatinU.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BKU.S. Attorney _____ INTERPRETER REQ'D Ricardo Gonzalez
Attorney for Defendant Brenda Acosta Sandoval (AFPD) LANGUAGE: SpanishDEFENDANT: PRESENT NOT PRESENT RELEASED CUSTODYDOA 1/4/08 Complaint Filed Appointment of counsel hearing held
 Financial Afdvt taken No Financial Afdvt taken Financial Afdvt sealed
 Initial AppearanceDETENTION HEARING: Held Cont'd Reset UA

Set for: before:

 Defendant ordered temporarily detained in the custody of the United States Marshal
 Defendant ordered released (see order setting cond of rel) Bail set at \$ _____
 Defendant continued detained pending trial Flight Risk DangerPLEA HEARING: Held Cont'd Reset

Set for: before:

 Consent to be tried by a Magistrate Judge signed Class A Misd Class B Misd Class C Misd
 Consent of Defendant Information filed _____ Complaint filed _____
 Defendant sworn and examined by the Court Plea of Guilty Not Guilty Entered to Counts THREE
 Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
 Plea of Guilty entered as to Ct(s) THREE of the Information Indictment Complaint
 Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
 Plea agreement: Lodged Filed Sealed
 Court does not accept defendant's plea of guilty because _____
 PSI ORDERED EXPEDITED PSI waived Time waived for passage of sentence
 Continued for sentence to _____ before _____
 To be dismissed upon entry of the judgment, Ct(s) ONE/TWO
 ORDER vacate trial date/motion hearing/mtns moot
 ORDER defendant remain released pending sentence remanded to USM

SENTENCING:

 Defendant committed to Bureau of Prisons for a period of 4 Months Probation/Supervised Release for _____
 Special Assessment \$ REMITTED Fine \$ _____ Restitution \$ _____

Other: _____

RECORDED: CS
BY: Jocelyn M. Arviso, Deputy Clerk

1

2

4

4

4

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

I waive my right to have a Removal Hearing and agree that my case may be adjudicated in the Southern District of California.

DATED this 7 day of jan., 2006

~~X Reyes Hernandez Latin~~
Defendant

Attorney for the Defendant

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Reyes HERNANDEZ-Latin
Citizen of Guatemala
YOB: 1971
A70 957 893
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08-15029M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about January 8, 2003, Defendant Reyes HERNANDEZ-Latin was arrested and removed from the United States to Guatemala through the port of Phoenix, Arizona, in pursuance of law, and thereafter on or about January 4, 2008, Defendant was found in the United States near Blythe, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about April 28, 2005, within the District of Arizona, Defendant Reyes HERNANDEZ-Latin, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers and elude examination or inspection by Immigration Officers; in violation of Title 8, United States Code, Section 1325, in that the Defendant was previously convicted for violation of Title 8, United States Code, Section 1325, on May 20, 2005 (Felony).

COUNT III

That on or about April 28, 2005, within the District of Arizona, Defendant Reyes HERNANDEZ-Latin, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. Yes No



Signature of Complainant

Mario Guerrero

Senior Patrol Agent

Sworn to before me and subscribed in my presence,

January 7, 2008

Date

at

Yuma, Arizona

City and State

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

Defendant: Reyes HERNANDEZ-Latin

Dependents: 2 Guatemala

IMMIGRATION HISTORY: The Defendant was last removed through Phoenix, Arizona on January 8, 2003. The Defendant has been previously apprehended three times by Immigration Officials.

CRIMINAL HISTORY:

<u>DATE/LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
04/13/97 Inglewood, CA	Burglary	Pros Rel-Lack of Corpus
04/20/97 Inglewood, CA	Use of false license fraudulent	Unknown
03/27/00 Los Angeles, CA	Poss NARC CNTL SUB	Dismissed
08/05/00 Los Angeles, CA	Robbery	180 days jail, 36 mo prob
01/01/02 Arcadia, CA	Trespassing	Convicted 1 year probation
10/27/02 Pasadena, CA	Robbery	Unknown
04/30/05 Nogales, AZ BP	EWI	45 days jail
06/13/05 Norwalk, CA	Robbery	Unknown
07/01/07 Redwood City, CA	DUI	Unknown
12/07/07 Los Angeles, CA	DUI	Unknown

Narrative: The Defendant, a citizen of Guatemala and illegally within the United States, was encountered by Blythe Border Patrol agents near Blythe, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Guatemala and illegally in the United States.

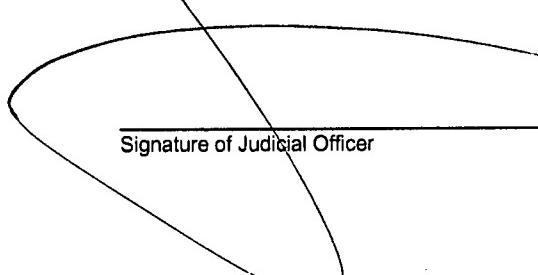
The Defendant was transported to the Blythe station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Sasabe, Arizona on April 28, 2005.

Charges: 8 USC§1326
8 USC§1325
8 USC§1325

(Felony)
(Felony)
(Misdemeanor)


Signature of Complainant


Signature of Judicial Officer

Sworn to before me and subscribed in my presence,

January 7, 2008

Date

I, Senior Patrol Agent Mario Guerrero, declare under penalty of perjury, the following is true and correct:

STATEMENT OF FACTUAL BASIS

Defendant: Reyes HERNANDEZ-Latin

Dependents: 2 Guatemala

IMMIGRATION HISTORY: The Defendant was last removed through Phoenix, Arizona on January 8, 2003. The Defendant has been previously apprehended three times by Immigration Officials.

CRIMINAL HISTORY:

<u>DATE/LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
04/13/97	Inglewood, CA	Burglary
04/20/97	Inglewood, CA	Use of race license fraudulent
03/27/00	Los Angeles, CA	Poss NARC CNTL SUB
08/05/00	Los Angeles, CA	Robbery
01/01/02	Arcadia, CA	Trespassing
10/27/02	Pasadena, CA	Robbery
04/30/05	Nogales, AZ BP	EWI
06/13/05	Norwalk, CA	Robbery
07/01/07	Redwood City, CA	DUI
12/07/07	Los Angeles, CA	DUI

Narrative: The Defendant, a citizen of Guatemala and illegally within the United States, was encountered by Blythe Border Patrol agents near Blythe, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Guatemala and illegally in the United States.

The Defendant was transported to the Blythe station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Sasabe, Arizona on April 28, 2005.

Executed on: Date January 6, 2008 Time: 10:43 AM

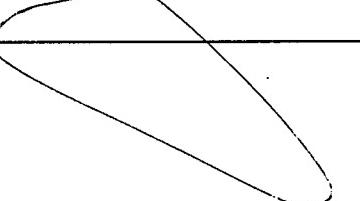
Signed: Mario Guerrero Senior Patrol Agent

Finding of Probable Cause

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of two page(s), I find probable cause to believe that the defendant(s) named therein committed the offense on April 28, 2005 in violation of Title 8, United States Code, Section(s) 1326 and 1325.

Finding made on: Date JANUARY 6, 2008 Time 12:07 PM

Signed:

 United States Magistrate Judge